

Why Worry About Encroachments & Trespasses?

Here are a few reasons for not using public land for private exclusive use:

Money: Incurring the expense to remove an item of encroachment or trespass from Government property.

Deed: Encroachments and trespasses are documented by the Corps and can be recorded in the county courthouse with the property deeds. Most lending institutions will not proceed with a loan if such a condition exists. Many adjacent landowners wishing to sell their home and property with a “cloud” on their deeds may be faced with delays and additional costs.

Legal Problems: Being subject to a citation. In cases when a landowner will not remove and refuses to take action to resolve the encroachment or trespass, a citation may be issued. The citation involves a monetary fine and may result in a mandatory appearance in a United States Magistrate Court.

Loss of Permit: Repeated trespass or failure to comply with requests to remove encroachments may result in the termination of any permit, license, lease, etc., including boat docks, steps, and vegetation alteration.

If You Have An Encroachment or Trespass

If you own property next to a US Army Corps of Engineers project and have items of personal property that are encroaching or trespassing upon public lands, please remove them. You may also contact the Visitor

Assistance Center and make an appointment to meet with a member of the Shoreline Ranger staff. A Shoreline Ranger will meet with you on site, discuss the options available, and work with you to take action necessary to resolve the encroachment or trespass. In some instances, these meetings will prevent a landowner from making a costly and time-consuming mistake.

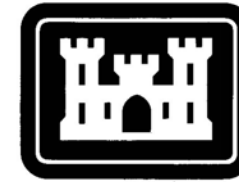
Boundary Identification

W. Kerr Scott Dam and Reservoir shares many miles of common property lines with neighboring property owners. The Corps has initiated an ambitious program to ensure boundary accuracy and to survey and mark the boundaries with a system that is easily identified and recognizable. This program also ensures that property lines are inspected and re-verified. If you are a neighbor of the Corps and would like us to identify our property lines, contact the Visitor Assistance Center.

Questions

If you have questions concerning shoreline management, encroachments, trespasses, or property lines or would like a copy of the *Shoreline Management Plan* contact a Shoreline Ranger at (336) 921-3390

U.S. Army Corps of Engineers
W. Kerr Scott Dam and Reservoir
499 Reservoir Road
Wilkesboro, NC 28697



**US Army Corps
of Engineers**

Wilmington District

W. Kerr Scott Dam and Reservoir

Facts about Shoreline Management, Encroachments, and Trespasses

<http://www.saw.usace.army.mil/wkscott/index.htm>

What is the US Army Corps of Engineers?

The US Army Corps of Engineers is the premier engineering resource for the nation and the world, and the largest provider of outdoor recreation in the federal government. The Corps is the nation's leading producer of hydroelectric power. It is the agency assigned by Congress to develop and manage a comprehensive national water resources program including navigation and flood control. The Corps supports the Army's commitment to environmental stewardship by:

- Restoring environmentally damaged sites to their former usefulness,
- Assuring facilities are in compliance with current environmental laws and regulations,
- Preventing future environmental problems through improved facility designs, and
- Balancing recreational use of public lands while conserving natural and cultural resources to which we are entrusted.

Shoreline Management

To prevent conflicts and overuse, experience has shown that management is necessary to coordinate the many activities and interests at Corps water resource development projects. The aim of shoreline management is to provide an opportunity for the optimum recreational experiences by the maximum number of people and assure compatibility among the recreating public, the environment, and project resources. The objectives are to manage private exclusive use in order to

protect the shoreline, to establish and maintain acceptable fish and wildlife habitat, to preserve aesthetic quality and natural environmental conditions, and to promote the safe and healthful use of the project land and water. Consideration must also be given to possible conflicts of use between the general public and the owners of private property adjacent to project lands. The goal of management is to ensure a balance between the recreational user, the environment, and the conservation of project resources.

Use of public land by adjacent private property owners that would lead the public to believe public land is privately owned is called "private exclusive use". The Corps' policy at W. Kerr Scott Dam and Reservoir is outlined in the *Shoreline Management Plan*. Community boat docks, private docks, vegetation modifications, steps, electric lines, and erosion control activities may be permitted, provided they meet the minimum specifications and have an approved permit, license or consent to easement issued prior to the start of any work. There is also no prohibition against pedestrian use of any public property at the project. Adjacent landowners have every right accorded to any other member of the public, plus the benefit of having an access point directly from their property to public land and water.

Adjacent Landowner Responsibilities

If you own land adjacent to government property, please remember it is your responsibility to abide by the terms and conditions of the shoreline management permits associated with your property. This means renewing or transferring the permit when the property is sold.

Encroachments & Trespass

What is an encroachment? An encroachment is a structure or improvement built, installed, or established which interferes or potentially interferes with real estate interests of the United States unless prior written permission from the District Engineer has been given. Examples of encroachments may include buildings of any type, roads, septic tanks, fences, patios or other structures that extend over, across, in or upon public lands and waters. The Corps also looks at the destruction, injury, defacement, removal or any alteration of public property including natural formations, historical and archaeological features, and vegetative growth when making encroachment determinations.

What is a trespass? A trespass is unauthorized transient use and occupancy such as, but not limited to, livestock grazing, mowing, planting, cultivation and harvesting of crops, placing or removing fill material, timber cutting, etc.